

S.B.CIVIL MISC. APPEAL NO.1166/2006
(Fateh Singh & Ors. Vs. Shri Narpat Singh & Ors.)

Date :: 22.01.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.D.S. Nimla, for the appellants.

For quantification of compensation to be awarded to the parents, wife and child of the vehicular accident victim Vijay Singh, the Tribunal has taken note of the assertion of the claimants about his income at Rs.3,850/- per month and has referred to certificate Exhibit-8 produced by the claimants stating daily wages of the victim at Rs.95/- per day. The Tribunal has observed that neither the employer of the deceased nor any other documentary evidence has been produced. In the facts and circumstances of the case, the Tribunal has estimated the income of the deceased at Rs.2,400/- per month and in view of his age at 25 years has applied maximum side multiplier of 18 after deducting 1/3 on the personal expenditure and has thereby assessed the pecuniary loss at Rs.3,45,600/-; and allowing other components of non-pecuniary loss and funeral expenses, the Tribunal has made award in the sum of Rs.3,68,000/- and has further allowed interest @ 7.5% per annum from the date of filing of claim application.

Learned counsel for the appellants has contended that the estimate put by the Tribunal on the earning of the deceased at Rs.2,400/- per month remains too low and in view of the certificate Exhibit-8 there is no reason for not considering the monthly income of the deceased in the range of about Rs.3,000/- per month. The submissions do not merit acceptance for want of any cogent

corroborative evidence. Even the certificate Exhibit-8 states the deceased to be a temporary labourer with the firm concerned. In the overall circumstances of the case, the assessment made by the Tribunal with application of a maximum side multiplier of 18 cannot be said to be falling short of just compensation admissible in this case.

The appeal fails and is, therefore, dismissed summarily.

[DINESH MAHESHWARI],J.

Ashwini/-